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10/602,032	06/24/2003	Yasuhiro Kawakita	31759-190419	9539

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EXAMINER

ROSE, HELENE ROBERTA

ART UNIT	PAPER NUMBER
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2163

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/31/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/602,032

Applicant(s)

KAWAKITA, YASUHIRO

Examiner

Helene Rose

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/16/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-12 is/are pending in the application.
- 4a) Of the above claim(s) 2 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 8/4/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Detailed Action

1. This communication is responsive to the Request for continued Examination entered on 11/06/2006.
2. Claims 1, 3-4, and 12 are amended. Claim 2 is cancelled. No claims have been added. Therefore, Claims 1, and 3-12 are pending in this present application.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 8/4/2006, accordingly, the information disclosure statement has been considered by the examiner. Therefore, a signed and initialed copy of the IDS has been submitted.

Claim Rejections – 35 U.S.C - 112

4. In view of the rejection made to Claims 1 and 12 are rejected under 35 U.S.C. 112, first paragraph, for failing to comply with the written description requirement, wherein the claim(s) contained subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Examiner withdraws the pending rejection based on applicant's amendment to claims 1 and 12.

Claim Rejection – 35 U.S.C 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2 and 4-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan et al (US Patent No. 5,721,827, Date of Patent: Feb. 24, 1998) in view of Carley et al (US Patent No. 6,701,345, Filing Date: April 13,2000).

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Claim 1:

Regarding claim 1, Logan teaches an information processing system for processing unit data including a plurality of information elements partitioned at predetermined divisions comprising:

a division processing section dividing said unit data into the plurality of information elements based on the predetermined divisions where the plurality of information elements have an information structure that can be viewed by a user to detect information of information elements consistent with a predetermined division (columns 1 and 2, lines 52-67, lines 1-6, wherein the programs making up the library are subdivided into program segments, wherein each program segment is associated with a subject category description which typically describes a plurality of related program segments, which is interpreted to be equivalent to "a division processing section dividing said unit data into the plurality of information elements", and a program topic description describes the content of each individual program, which is interpreted to be the "information structure", segment, wherein the combinations of these category and program descriptions which are of interest to a particular subscriber, wherein the "descriptions which are of interest to a particular subscriber is interpreted to be "predetermined", are transferred from the server subsystem to that subscriber's player subsystem, wherein this interpreted to be equivalent to "based on the predetermined divisions where the plurality of information elements have an information structure", thereby providing a subject matter catalog from which the subscriber may expressly request particular programs, and to facilitate use of the system by the subscriber, the server subsystem accepts from the subscriber indications of the subscriber's general interests, characteristics and preferences and this subscriber characterization data is periodically matched against the characteristics of each stored program segment to identify those segments of significant potential appeal to that subscriber, wherein this is interpreted to be equivalent to " to be "that can be viewed by a user to detect information of information elements consistent with a predetermined division", Logan)

an extraction processing section allocating a logical structure to each of the information elements divided by said division processing section (column 13, lines 60-67, wherein if the program segment has been subdivided, e.g. into paragraph, the SKIP command causes the player to skip forward to beginning of the next subdivision within that segment, and if the desired SKIP commands may be subdivided into

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two types, which is interpreted to be equivalent to "an extraction section allowing a logical structure to each of the information elements divided by said division processing section, Logan);

a condition determination section supplied with a select condition (column 12, lines 20-23, wherein select one of six different types of functions), and selecting the information element conformable to the select condition from among the plurality of information elements obtained by dividing said unit data (column 27, lines 63-67, wherein the resulting program compilation is divided into components each having a beginning, or entry point to which jumps can be made by the listener by a dynamic selection mechanism which is operative during the listening session, Logan); and

Logan discloses the following limitations above as well as a "condition determination". However, Logan does not disclose "a notification section notifying a user of the information element selected by the condition determination.

On the other hand, Carley discloses a notification section notifying a user (column 14, lines 18-23, wherein a user is notified, Carley) of the information element selected by the condition determination section (column 14, lines 48-52, Carley).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to incorporate a "notification section" disclosed by Carley within Logan system for establishing an improved method for a user to have the ability to alter and update data to provide faster execution of the system.

Claim 4:

Regarding claim 4, the combination of Logan in view of Carley teaches a compensation processing section (column 13, lines 11-12, wherein an addition of specific materials or device counteract a known error, Carley) determining whether each of the information elements divided by said division processing section includes insufficient information in light of said logical structure (column 13, lines 10-11, Carley), and compensating for the insufficient information to thereby complete a typical structure if there is the insufficient information (see Figure 2, diagram 232 and column 13, lines 22-26, wherein the structure is separated in a files according to good and bad files, Carley).

Claim 5:

Regarding claim 5, the combination of Logan in view of Carley teaches wherein said compensation processing section compensates for said insufficient information by accessing a Web server providing detailed information on the information element including said insufficient information (see Figure 2, all features and column 12, lines 56-67 and lines 1-16, respectively, wherein insufficient information when data does not match, Carley).

Claim 6:

Regarding claim 6, the combination of Logan in view of Carley teaches wherein if an excessive description exists in light of said logical structure (column 13, lines 45-52, wherein a data management template may specify specific particular sizes of the files and records to be loaded match the data management template, Carley) compensation processing section delete the excessive description (see Figure 2, column 59, lines 13-18, Carley).

Claim 7:

Regarding claim 7, the combination of Logan in view of Carley teaches a storage section (see Figure 1, diagram 120 and column 28, lines 26-27, Carley) storing one of said unit data (column 28, lines 47-59, Carley) and said information elements (see Figure 3, diagram 304 and columns 28-29, lines 61-67 and lines 1-4, Carley).

Claim 8:

Regarding claim 8, the combination of Logan in view of Carley teaches wherein said storage section stores identification information for identifying said unit data (column 79, lines 36-39, wherein customer number is used for identifying applications and column 37, lines 61-63, wherein request ID, refers to same question, Carley).

Claim 9:

Regarding claim 9, the combination of Logan in view of Carley teaches a search section (column 16, lines 34-35, Carley) receiving an input of a search keyword or a question sentence (see Figure 7, diagram 702 and column 15, lines 24-27, Carley), and thereby executing a search to articles stored in

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said storage section (column 13, lines 2-9, Carley) and returning an answer sentence in response to a search result or the question sentence (column 37, lines 35-41, Carley).

Claim 10:

Regarding claim 10, the combination of Logan in view of Carley teaches a translation section translating said information elements into a different language (column 94, lines 37-44, wherein tools are used to translate elements into different languages, Carley).

Claim 11:

Regarding claim 11, the combination of Logan in view of Carley teaches wherein said unit data is a mail magazine (columns 4-5, lines 65-67 and lines 1-2, respectively, wherein the data is medical records, Carley).

Claim 12:

Regarding claim 12, the combination of Logan in view of Carley teaches an information processing method for processing unit data including a plurality of information elements partitioned at predetermined divisions, comprising the steps of:

allowing a division processing section to divide said unit data into the plurality of information elements based on the predetermined divisions where the plurality of information elements have an information structure that can be viewed by a user to detect information of information elements consistent with a predetermined division (Refer to claim 1, wherein this limitation is substantially the same/or similar, Logan);

allowing an extraction processing section to allocate a logical structure to each of the information elements divided by said division processing section, the logical structure indicating a meaning of each information in each of the information elements (Refer to claim 1, wherein this limitation is substantially the same/or similar, Logan);

allowing a condition determination section to be supplied with a select condition (Refer to claim 1, wherein this limitation is substantially the same/or similar, Logan), and to select the information element conformable to the select condition from among the plurality of information obtained by dividing said unit data ((Refer to claim 1, wherein this limitation is substantially the same/or similar, Logan); and

allowing a notification section to notify a user (column 14, lines 18-23, Carley) of the information element selected by the condition determination section (column 14, lines 48-52, Carley).

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Logan et al (US Patent No. 5,721,827, Date of Patent: Feb. 24, 1998) in view of Carley et al (US Patent No. 6,701,345, Filing Date: April 13,2000) and further in view of Conklin et al (US Patent No. 6,338,050).

Claim 3:

Regarding claim 3, the combination of Logan in view of Carley discloses HTML (column 2, lines 555-56, Logan, and column 10, lines 59-60, Carley);

However, the combination of Logan in view of Carley is silent to wherein the term "XML" is utilized for allocation of logical structure.

On the other hand, Conklin discloses wherein XML (extensible Markup Language) is utilized for allocation of said logical structure (see Figures 10-1 10-3, all features and column 28, lines 7-17, wherein it allocates the logical structures to its respective divided articles, Conklin).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to modify Logan in view of Carley with Conklin teaching wherein XML is utilized for allocation of said logical structure.

A skilled artisan would have been motivated to do so by incorporating eXtensible Markup Language (XML, hereinafter) because XML, is designed to meet the challenges of large-scale (excessive) electronic publishing such as a magazine and articles, wherein articles (XML documents) are already made up of storage units called entities, which defines either parsed or unparsed data in a logical structure.

Examiner's Response to Applicant's Arguments

Applicant States:

35 U.S.C. §112, first paragraph

Claims 1 and 12 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description. In particular, the Office Action states the claims recite new subject matter that was not in the original claim language and the Examiner cannot find the new claim language within the specification. While the exact language as recited in claims 1 and 12 may not be found in the specification, the description from page 12, line 16 to page 13, line 2 provides support for the claimed structural patterns within said unit data that are used to display said information elements included in said unit data. Figure 2 of the present specification shows information elements (e.g., IT1 to 3) of a unit data (e.g., mail magazine shown in Figure 2) divided or partitioned by, for example, em dots DL. The information elements have structure information (e.g., LD 1 to LD3; AB1 to AB3 and UR1 to UR3) as shown in Figure 2 of the application as filed. Claims 1 and 12 are amended to more closely rephrase page 12, line 16 through page 13, line 2 as follows:

A division processing section to divided said unit data into the plurality if information elements based on the predetermined divisions where the plurality if information elements have an information structure that can be viewed by a user to detect information of information elements consistent with a predetermined division.

The rephrasing of the terms: "articles" (information elements); "patterns" (predetermined divisions); "typical structure" (information structure); and "sections" (information) does not change the meaning of the originally filed specification, but uses claim terminology. Accordingly, it is respectfully submitted that the recited features of claims 1 and 12 fully comply with the written description requirement of 35 U.S.C. § 112, first paragraph.

Examiner Response:

Examiner is not persuaded. The rephrasing of Claims 1 and 12 that were cited in the final rejection mailed out on 6/6/2006, stated "a division processing section dividing said unit data into the plurality of information elements based on **structural patterns within said unit data that are used to display said information elements included in said unit data**", in which this limitation was not cited in the original claim language that was defined in the non-final action mailed out on 12/20/2005. Therefore, the examiner found this to be a "newly added limitation", which failed to comply with within the written

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description requirement of the specification. However, the newly amended claim does comply with the written description requirement of 35 U.S.C. § 11, first paragraph

Applicant States:

35 U.S.C. § 102(e) Rejection based on Carley

Claims 1, 2, and 4012 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Carley (US Patent No. 6,701,345 B1). Applicant respectfully traverses this rejection.

Applicant Argues:

This disclosure fails to meet the recited features of processing a unit data including a plurality of information elements partitioned at predetermined division as set forth in the "division processing section" of claim 1 or the "allowing a division processing section to divide" of claim 12.

Examiner's Response:

Examiner is not persuaded. SEE Carley, column 14, lines 44-60, wherein the data is divided into divisible portions each of the divisible portions of data is checked in operation to validate the data meets criteria such as that it includes certain contents; and Figure 5, diagram 506, wherein the data is divided into divisible portions and each of the divisible portions of the data is checked in operation 508 to validate that the data meets predetermined criteria, such as that it includes certain content.

Applicant Argues:

The Office relies on diagram 506 in Figure 5, column 18, lines 20-21, and column 14, lines 35-52 of Carley for satisfying the claimed division processing section. It is the Action's position that the building of bridges in column 81 of Carley is a "structural pattern". But claims 1 and 12 recite a division processing section to divide said unit data into the plurality of information elements have an information structure that can be viewed by a user to detect information of information elements consisted with a predetermined division". There is no disclosure in Carley how these bridges may be an information consistent with a predetermined division, as set forth in claims 1 and 12.

Examiner's Response:

Examiner is not persuaded. Applicant argues a newly amended claim, which was not cited in the Final Rejection mailed out on 6/6/2006. Therefore, In response to applicant's argument that the

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references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a division processing section to divide said unit data into the plurality of information elements have an information structure that **CAN BE VIEWED BY A USER TO DETECT INFORMATION** of information elements consisted with a predetermined division) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant Argues:

Applicant respectfully submits that Carley nowhere describes or reasonably suggest dividing the data based on predetermined divisions OR the extraction processing section, as required by independent claims 1 and 12 and supported by Figure 2 of the application.

Examiner's Response:

Examiner is not persuaded. Wherein initially in the claim language cited in the Final Rejection mailed out on 6/6/2006, the phrase "predetermined divisions" was cited in the preamble ONLY. Therefore, in response to the applicant's arguments, the recitation "predetermined divisions" was not given patentable weight because the recitation occurs in the preamble, which means the recitation of "predetermined divisions" were not recited in the claim limitations itself. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Also, applicant argues a newly amended claim, which was not cited in the Final Rejection mailed out on 6/6/2006. Therefore, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., **dividing the data based on predetermined divisions**) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

However, in regards to "extracting processing section", SEE Carley, Column 87, lines 41-46, "wherein there are tools that extract documentation from comments in a given format and generate HTML pages.."; and Column 99, lines 63-67, wherein an extraction tool, in conjunction with a repository population tool, enables the developer to reuse selected portions of a legacy system, wherein the extraction tool can typically read and extract information from source code, screens, reports, and the database and wherein the most common information extracted from a legacy system, is the data: record/table structure, indexes, and data element definitions; which is interpreted to be equivalent to an extraction processing section"

Applicant Argues:

Conklin fails to supplement the deficiencies of Carley because Conklin fails to teach or reasonably suggest dividing based data predetermined visions where the information elements have an information structure consistent with a predetermined division and a logical structure to divide information with the information elements.

Examiner's Response:

Examiner is not persuaded. Applicant argues a newly amended claim, which was not cited in the Final Rejection mailed out on 6/6/2006. Therefore, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., dividing based data predetermined visions where the information elements have an information structure consistent with a predetermined division) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

However, in regards to "a logical structure to divide information with the information elements", SEE Carley, Figure 5, diagram 506, wherein the data is divided into divisible portions and each of the divisible portions of the data is checked in operation 508 to validate that the data meets predetermined criteria, such as that it includes certain content; Column 12, lines 25, wherein create logical sets of data organized by keywords; column 45, lines 62-63, respectively; and column 80, lines 18-24, wherein the

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finalized data model is used as a basis for the logical database design and the logical database design converts the finalized Project Data Model to one of four basic structures, according to which DBMS is used: Hierarchical; Network (e.g., IDMS); Relational (e.g., DB2); and Inverted List (e.g., ADABAS), which is interpreted to be equivalent to "a logical structure to divide information with the information elements".

Prior Art Made of Record

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

1. Carley et al (US Patent No. 6,701,345) discloses a notification of when multiple users attempt to alter the same data may first begin when the connections to plurality of user stations are monitored, wherein an instruction for initiating a load process is received from a user station.
2. Conklin et al (US Patent No. 6,338,050) discloses a multivariate negotiations engine for international transaction processing which enables a sponsor to create and administer a community between participants buyers and sellers having similar interests; allowing a buyer/participant to search and evaluate seller information, propose and negotiate orders and counteroffers that include all desired terms, request sample quantities, and track activity; allowing a seller/participant to use remote authoring templates to create a complete Website for immediate integration and activation in the community, to evaluate proposed buyer orders and counteroffers, and to negotiate multiple variables such as prices, terms, conditions etc., iteratively with a buyer.
3. Logan et al (US Patent No. 5,721,827) disclose an audio program and message distribution system in which a host system organizes and transmits program segments to client subscriber locations.

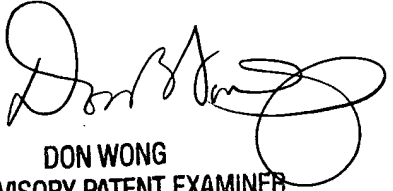
Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helene R. Rose whose telephone number is (571) 272-0749. The examiner can normally be reached on 8:00am - 4:30pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HRR
Technology Center 2100
January 12, 2007


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